

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, the pending claims herein have been amended so as to clarify the same and to resolve any issues that may be raised under 35 USC §101.

A title commensurate with the invention as now claimed has also been presented.

Thus, following entry of this amendment, claims 1-8 will remain pending herein.

2. Response to 35 USC §101 Rejection

The amendments to the claims above are believed to render moot the rejection advanced under 35 USC §101. Withdrawal of the same is requested.

3. Response to Substantive Rejection

Prior claims 1-8 attracted a rejection under 35 USC §102(b) or under 35 USC §103(a) based on De Clerck (USP 7,399,514) or Walters (USP 6,723,413). As will become evident by the following discussion, neither De Clerck nor Walters renders the presently claimed invention unpatentable under 35 USC §§102(b) or 103(a).

In this regard, applicants note that De Clerck describes a synthetic turf. However, the particulate filler in his description of the state of the art include mixtures of granulated rubber particles (Col. 1, lines 54 – 55). The improvement proposed by De Clerck with respect to the infill material consists of low density ethylene/octane co-polymer (col. 4, line 14), possibly blended with ethylene propylene copolymer (col. 9,

lines 47 and 48). De Clerck does not teach or even suggest that the EPM in this blend is vulcanized (i.e., by use of a curing agent) or that SEBS could be employed

As such, De Clerck does not disclose or suggest the unexpected advantages of a vulcanized thermoplastic elastomer or styrene-ethylene-butadiene-styrene polymer (SEBS) as infill material in artificial turf systems as described in the present application. Accordingly, pending claim 1 is both novel and unobvious in view of De Clerck.

Walters describes a surface covering (infill) of a thermosetting polymer compound (col.2, lines 25 – 28), being natural and/or synthetic rubber compounds. Also in the more extensive description appearing in col. 3, lines 25 through 36, Walters does not teach or suggest a thermosetting elastomer that comprises a polyolefin and a rubber wherein the rubber is vulcanized by the use of a curing agent or an SEBS. Walters therefore does not suggest the higher comfort for football players of a vulcanised thermoplastic elastomer or styrene-ethylene-butadiene-styrene polymer (SEBS) as infill material in artificial turf systems.

As such, the presently claimed invention is also novel and unobvious in view of Walters.

Withdrawal of the rejection advanced under 35 USC §§102(b) and 103(a) is therefore in order.

KOCH et al
Serial No. 10/578,862
November 5, 2009

4. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100